REMARKS

I. Introduction

Claims 33, 36 and 39 to 54 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Drawings

Applicants thank the Examiner for indicating that all objections to the drawings have been overcome and that the proposed drawing correction of June 19, 2002 has been approved. Attached are two sheets of formal drawings which replace the existing drawings, including Figures 1 and 2. No new matter has been added.

III. Rejection of Claims 33, 36, 39, 40 and 53 Under 35 U.S.C. §112, First Paragraph

Claims 33, 36, 39, 40 and 53 were rejected under 35 U.S.C. §112, first paragraph as allegedly failing to comply with the written description requirement. More specifically, the Final Office Action alleges that claims 33, 36, 39, 40 and 53 contain subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Final Office Action alleges that Applicants have not clearly stated in the Specification that oil viscosity is "indirectly" determined, and thus, proper support and enablement fail to exist for this term. See Final Office Action at p. 4. Applicants respectfully disagree for the following reasons.

Regarding the issue of proper support for the term "indirectly", the Office bears the initial burden of presenting "evidence or reasons why persons skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims." (See M.P.E.P. § 2163.04 (citing In re Wertheim 541 F.2d 257, 262, 265, 191 U.S.P.Q. 90, 96, 98 (C.C.P.A. 1976))) (emphasis added). The Manual of Patent Examining Procedure also provides that if an examiner rejects a claim based on the lack of a written description, the examiner

should "identify the claim limitation not described" and provide "reasons why persons skilled in the art would not recognize the description of this limitation in the disclosure of the application." (See id.). However, the written description requirement is not an in haec verba requirement. That is, "the specification 'need not describe the claimed subject matter in exactly the same terms as used in the claims; it must simply indicate to persons skilled in the art that as of the [filing] date the applicant had invented what is now claimed.'" All Dental Prodx LLC v. Advantage Dental Products Inc., 64 U.S.P.Q.2d 1945, 1948 (Fed. Cir. 2002) (quoting Eiselstein v. Frank, 52 F.3d 1035, 1038, 34 U.S.P.Q.2d 1467, 1470 (Fed. Cir. 1995)). Moreover, a "failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize upon reading the specification that the new language reflects what the specification shows has been invented." All Dental Prodx, 64 U.S.P.Q.2d at 1948 (citing Eiselstein, 52 F.3d at 1039, 34 U.S.P.Q.2d at 1470). An applicant can show "possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention." M.P.E.P. § 2163 (citing Lockwood v. American Airlines, Inc., 107 F.3d 1565, 1572, 41 U.S.P.Q.2d 1961, 1966 (Fed. Cir. 1997)).

Applicants submit that the Specification provides an adequate written description for "indirectly determining and evaluating a change of the viscosity of the motor oil determined in the viscosity determining step as a function of a temperature and frictional torque of the internal combustion engine." As stated, for example, at page 1, lines 21 to 28 of the Specification:

> [T]he degree of motor oil contamination can be determined directly, for example, as a function of the electrical resistance, the pressure differential between upstream and downstream sides of the oil filter, transparency, or chemical compositions of the motor oil. The disadvantage of these direct methods is the additional cost of measuring, for example, the need for additional and special sensors, etc. Therefore, in addition to direct measuring methods, there are methods in which the degree of degradation of the motor oil is determined from operating parameters of the engine or the vehicle that are known otherwise. (emphasis added).

The Specification further states that an object of the present invention is to develop a method allowing the motor oil quality of a motor vehicle engine to be monitored and that this object may be achieved by determining and evaluating changes in oil viscosity as a function of temperature and engine frictional torque. See Specification at p. 2, lines 27 to 28 and p. 3, lines 4 to 5. Applicants submit that one skilled in the art would recognize upon reading the Specification that indirectly determining oil quality means doing so without the use of "additional and special sensors" given (i) that the Specification specifically refers to direct measurement as requiring the use of "additional and special sensors" and (ii) given that the Specification details the invention as one that, in contrast to systems that measure oil viscosity directly, determines oil viscosity by referring to operating parameters of the engine such as temperature and frictional torque. Further, given the above, Applicants submit that it is clear to persons skilled in the art that as of the filing date Applicants had possession of that which is claimed in claim 39. Therefore, Applicants submit that the term "indirectly", and thus, claims 33, 36, 39, 40 and 53, are supported by an adequate written description. Therefore, withdrawal of the 35 U.S.C. §112 rejection of claims 33, 36, 39, 40 and 53 is respectfully requested.

IV. Rejection of Claims 33, 36, 39, 40 and 53 Under 35 U.S.C. §112, 2nd¶

Claims 33, 36, 39, 40 and 53 were rejected under 35 U.S.C. §112, second paragraph as indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. Specifically, the Final Office Action alleges that the word "indirectly" is not clearly defined. Applicants respectfully disagree for the following reasons.

The second paragraph of 35 U.S.C. § 112 merely requires that the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. As provided in M.P.E.P. § 2173.02, the "focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph is whether the claim meets the threshold requirement of clarity and precision." In this regard, the "essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity." *Id.* (emphasis added). "Definiteness of claim language must be analyzed, not in a vacuum, but in light of[, *inter alia*, the] content of the particular application disclosure[and the] claim

interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made." *Id.* If the claims, when read in light of the Specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the second paragraph of 35 U.S.C. § 112 demands no more. M.P.E.P. § 2173.05(a) (citing *Shatterproof Glass Corp. v. Libbey Owens Ford Co.*, 758 F.2d 613, 225 U.S.P.Q. 634 (Fed. Cir. 1985)).

Applicants submit that claims 33, 36, 39, 40 and 53 set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. More specifically, Applicants submit that the term "indirectly" when read in light of the Specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention. As indicated above, the Specification states that following:

> [T]he degree of motor oil contamination can be determined directly, for example, as a function of the electrical resistance, the pressure differential between upstream and downstream sides of the oil filter, transparency, or chemical compositions of the motor oil. The disadvantage of these direct methods is the additional cost of measuring, for example, the need for additional and special sensors, etc. Therefore, in addition to direct measuring methods, there are methods in which the degree of degradation of the motor oil is determined from operating parameters of the engine or the vehicle that are known otherwise.

Specification at page 1, lines 21 to 28 (emphasis added).

As also indicated above, the Specification further states that an object of the present invention is to provide a method allowing the motor oil quality of a motor vehicle engine to be monitored and that this object may be achieved by determining and evaluating changes in oil viscosity as a function of temperature and engine frictional torque. See Specification at p. 2, lines 27 to 28 and p. 3, lines 4 to 5. Applicants submit that it is sufficiently clear that indirectly determining oil quality means doing so without the use of "additional and special sensors" given (i) that the Specification specifically refers to direct measurement as requiring the use of "additional and special sensors" and (ii) given that the Specification details the invention as one that, in contrast to systems that measure oil viscosity directly, determines oil viscosity by referring to operating parameters of the engine such as

temperature and frictional torque. Therefore, Applicants submit that claims 33, 36, 39, 40 and 53 are sufficiently definite. Accordingly, withdrawal of the 35 U.S.C. §112 rejection and allowance of claims 33, 36, 39, 40 and 53 is respectfully requested.

V. Rejection of Claims 33, 36, 39, 40, 45 to 47, 53 and 54 Under 35 U.S.C. § 103(a)

Claims 33, 36, 39, 40, 45 to 47, 53 and 54 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 4,888,976 ("Vermeiren"). Applicants respectfully submit that Vermeiren does not render obvious the present claims as amended herein for the following reasons.

Claim 39 relates to a method of indirectly determining motor oil quality. Claim 39 recites that the method includes the steps of determining a viscosity of the motor oil during operation of an internal combustion engine and indirectly determining and evaluating a change of the viscosity of the motor oil determined in the viscosity determining step as a function of a temperature and frictional torque of the engine.

Claim 45 relates to a method of indirectly determining viscosity of motor oil of an internal combustion engine. Claim 45 recites that the method includes the steps of determining an engine frictional torque and indirectly determining the viscosity of the motor oil in accordance with the engine frictional torque.

Applicants submit that Vermeiren discloses the type of conventional "additional and special" sensor referred to in the Specification, for example, at page 1, lines 21 to 28. Vermeiren states that the device for measuring the effective viscosity of a lubricant includes a **sensor** stated to consist of a cylindrical rotor capable of being driven by the motor and suspended in a vessel containing the lubricant to be measured. See col. 1, lines 14 to 17. Vermeiren states that by passing the oil whose effective viscosity is to be measured in order to monitor its quality through the housing 4 by way of inlet 5 and outlet 6, the oil is made to lubricate the bearing 7, and its viscosity can be determined under the conditions prevailing in a bearing, much as they would prevail in the machine, or the like, whence the oil derives. See col. 2, lines 20 to 26. Accordingly, Vermeiren discloses a sensor device which directly samples oil for viscosity measurement purposes.

Vermeiren does not disclose, or even suggest, the step of **indirectly** determining and evaluating a change of the viscosity of the motor oil determined in the viscosity determining step **as a function of frictional torque of the internal combustion engine**, as recited in amended claim 39. Nor does Vermeiren disclose, or even suggest, indirectly determining the viscosity of motor oil **in accordance with engine frictional torque**, as recited in claim 45.

Further, nowhere in Vermeiren is there a disclosure, or even a suggestion, of the step of determining a viscosity of the motor oil using a **parameter of an internal combustion engine**, as recited in claims 39 and 45. As indicated above, Vermeiren discloses taking oil from a "machine, or the like, whence the oil derives" (col. 2, lines 20 to 26) and passing it through a **rotary bearing sensor** for viscosity measurement (see col. 2, line 15). However, nowhere in Vermeiren is there mention, description or suggestion of using a parameter of an **internal combustion engine** to indirectly measure oil viscosity.

Further, as admitted by the Final Office Action, nowhere does Vermeiren disclose indirectly determining and evaluating a change of the viscosity of the motor oil determined in the viscosity determining step as a function of a **temperature** and **frictional torque** of the engine, as recited in claim 39, or indirectly determining the viscosity of motor oil in accordance with **engine friction torque**, as recited in claim 45. Therefore, Vermeiren does not disclose, or even suggest, all of the limitations of independent claims 39 and 45. See Final Office Action at p. 6.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). As indicated above, Vermeiren does not disclose, or even suggest, the step of indirectly determining and

evaluating a change of the viscosity of the motor oil determined in the viscosity determining step as a function of a temperature and frictional torque of the engine, as recited in claim 39, or the steps of determining an engine frictional torque and indirectly determining the viscosity of the motor oil in accordance with the engine frictional torque, as recited in claim 45. Moreover, the obviousness rejection appears to be improperly based on Applicants' own disclosure rather than the disclosure of Vermeiren.

In addition, obviousness must be determined with reference to that which would have be obvious to one of ordinary skill in the art at the time the invention was made, and not to the inventor. *Environmental Designs, Ltd. v. Union Oil Co.*, 713 F.2d 693, 218 U.S.P.Q. 865 (Fed. Cir. 1983), *cert. denied*, 464 U.S. 1043 (1984). The Final Office Action does not even allege that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Vermeiren as proposed. In view of the foregoing, it is respectfully submitted that Vermeiren does not render obvious claims 39 and 45. The Final Office Action alleges that the phrase "at the time of the invention" is implied "for if the rejection did not imply the phrase 'at the time of the invention' then a reference could not even apply under 35 USC 103." See Final Office Action at p. 10. Applicants respectfully disagree and submit that it is not implicit that the Final Office Action is evaluating obviousness at the time the invention was made nor does the Final Office Action so state. Rather, Applicant submits that the Final Office Action is improperly using conclusory hindsight and relying on Applicants' own application in its rejection.

The Final Office Action also appears to be confusing the issue of whether a particular patent or printed publication constitutes prior art against an application and the issue of what would have been considered to be obvious to a person of ordinary skill in the art at the time an invention was made based on a particular prior art patent or printed publication. Certainly, a patent or printed publication that does not constitute prior art against an application cannot ordinarily be used in support of a claim rejection under 35 U.S.C. §§ 102 or 103. To support a rejection under 35 U.S.C. § 103(a), not only must the particular patent or printed publication constitute prior art against the claims under examination, but the contents of such patent or printed publication must be considered from the vantage

point of a person of ordinary skill in the art ***at the time the invention was made***. In this regard, the Federal Circuit set forth that:

> [An obviousness] analysis begins in the text of section 103 . . ., which the phrase "at the time the invention was made." For it is this phrase that guards against entry into the "tempting but forbidden zone of hindsight," . . . when analyzing the patentability of claims pursuant to that section. Measuring a claimed invention against the standard established by section 103 requires the oft-difficult but critical step of casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. . . . Close adherence to this methodology is especially important in the case of less technologically complex inventions, where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher."

In re Dembiczak, 50 U.S.P.Q.2d 1614, 1616 to 1617 (Fed. Cir. 1999) (citations omitted).

Moreover, it is respectfully submitted that the cases of *In re Fine, supra*, and *In re Jones*, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992), make plain that the Final Office Action's generalized assertions that it would have been obvious to modify Vermeiren do not properly support a § 103 rejection. It is respectfully submitted that those cases make plain that the Final Office Action reflects a subjective "obvious to try" standard, and therefore does not reflect the proper evidence to support an obviousness rejection based on the references relied upon. In particular, the Court in the case of *In re Fine* stated that:

> The PTO has the burden under section 103 to establish a *prima facie* case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. This it has not done. . . .
>
> **Instead, the Examiner relies on hindsight in reaching his obviousness determination. . . . One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.**

In re Fine, 5 U.S.P.Q.2d at 1598 to 1600 (citations omitted; italics in original; emphasis added). Likewise, the Court in the case of *In re Jones* stated that:

> Before the PTO may combine the disclosures of two or more prior art references in order to establish *prima facie* obviousness, there must be some suggestion for doing so, found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. . . .
>
> **Conspicuously missing from this record is any evidence, other than the PTO's speculation (if it be called evidence) that one of ordinary skill . . . would have been motivated to make the modifications . . . necessary to arrive at the claimed [invention].**

In re Jones, 21 U.S.P.Q.2d at 1943, 1944 (citations omitted; italics in original).

That is exactly the case here since it is believed and respectfully submitted that the present Final Office Action offers no evidence whatsoever, but only conclusory hindsight, reconstruction and speculation, which these cases have indicated does not constitute evidence that will support a proper obviousness finding. Unsupported assertions are not evidence as to why a person having ordinary skill in the art would be motivated to modify or combine references to provide the claimed subject matter of the claims to address the problems met thereby. Accordingly, the Office must provide proper evidence of a motivation for modifying or combining the reference to provide the claimed subject matter.

More recently, the Federal Circuit in the case of *In re Kotzab* has made plain that even if a claim concerns a "technologically simple concept" -- which is not the case here -- there still must be some finding as to the "specific understanding or principle within the knowledge of a skilled artisan" that would motivate a person having no knowledge of the claimed subject matter to "make the combination in the manner claimed," stating that:

> In this case, the Examiner and the Board fell into the hindsight trap. The idea of a single sensor controlling multiple valves, as opposed to multiple sensors controlling multiple valves, is a technologically simple concept. With this simple concept in mind, the Patent and Trademark Office found prior art statements that in the abstract appeared to suggest the claimed limitation. But, there was no finding as to the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of Kotzab's invention to make the combination in the manner claimed. In light of our holding of the absence of a motivation to combine the teachings in Evans, we conclude that the Board did not make out a proper prima facie case of obviousness in rejecting [the] claims . . . under 35 U.S.C. Section 103(a) over Evans.

In re Kotzab, 55 U.S.P.Q.2d 1313, 1318 (Fed. Cir. 2000) (emphasis added). Again, it is believed that there have been no such findings.

The Final Office Action admits that Vermeiren fails to explicitly describe that the change in viscosity is a function of engine temperature. See Final Office Action at p. 6. The Final Office Action alleges, however, that such a teaching is inherent because it is very well known to one having ordinary skill in the art that oil viscosity is dependent upon engine temperature. See Final Office Action at p. 6. Applicants submit that the fact that there may be a relationship between oil temperature and oil viscosity would not, at the time the present invention was made, have rendered it obvious to indirectly determine oil viscosity of motor oil as a function of frictional torque, as recited in independent claim 45, let alone to indirectly determine and evaluate a change in viscosity of motor oil as a function of a temperature and frictional torque, as recited in independent claim 39. Vermeiren states that viscosity of a lubricant in a prior art device, including a cylindrical rotor suspended in a vessel, is determined by measuring the power the must be supplied to the motor to obtain a given motor speed. See col. 1, lines 14 to 21. The prior art device is not stated to rely on temperature to determine the viscosity of the lubricant. Further, Vermeiren does not rely on temperature to calculate the viscosity of the lubricant passing through the rotary bearing sensor. The viscosity of lubricant passing through the sensor of Vermeiren is calculated using equations (1) to (6) which rely on inputs of rotational speed and contact time between rotor and bearing. See col. 1, line 29 to col. 2, line 27.

The Final Office Action further admits that Vermeiren fails to describe the step of determining a change in oil viscosity as a function of frictional torque of an engine. See Final Office Action at p. 6. The Final Office Action alleges, however, Vermeiren provides a motivation to determine a change in oil viscosity as a function of frictional torque of an engine. Specifically, the Final Office Action references col. 1, lines 11 to 13 and lines 18 to 20 and alleges that Vermeiren discloses that oil viscosity is determined from a measured motor parameter, namely, the power required to obtain a given motor speed, and that this "would suggest to one having ordinary skill in the art as being the frictional power from which the Applicant claimed frictional torque is determined." See Final Office Action at p. 7. Applicants submit that a disclosure of the use of power (required to obtain a given motor speed) to determine viscosity in no way would have rendered it obvious to

indirectly determine oil viscosity of motor oil as a function of frictional torque, as recited in independent claim 45, let alone to indirectly determine and evaluate a change in viscosity of motor oil as a function of a temperature and frictional torque, as recited in independent claim 39. Simply stated, power required to obtain a given motor speed is the not the same thing as frictional torque. Frictional torque is described in the context of and as a parameter of an internal combustion engine. As such, the frictional torque value is arrived at by performing a stationary torque equilibrium of an internal combustion engine that is not in gear and is idling. See Specification at page 5, lines 8 to 11. Engine torque when idling is stated to be a function of the amount of fuel injected. See Specification at page 6, line 7. Therefore, the disclosure of using the power required to obtain a given motor speed to determine the viscosity of a lubricant in no way renders obvious the use of the frictional torque of an internal combustion engine to determine viscosity of oil.

Applicants further point out that the Vermeiren sensor comprises a rotary bearing, see col. 2, lines 10 to 11, which is very different than an internal combustion engine. Use of a parameter, such as power required to obtain a given rotary bearing speed, to determine the viscosity of lubricant in the Vermeiren sensor in no would have rendered obvious the step of indirectly determining oil viscosity of motor oil using a parameter, such as frictional torque, of an **internal combustion engine**, as recited in independent claim 45, let alone the step of indirectly determining and evaluating a change in viscosity of motor oil as a function of a temperature and frictional torque of an **internal combustion engine**, as recited in independent claim 39. The Final Office Action alleges at p. 9 that Applicants have not claimed that the viscosity determined is that of oil which is actually in the engine during the viscosity determination. Applicants submit that this no in way distracts from the argument above that use of a parameter, such a power required to obtain a given rotary bearing speed, to determine the viscosity of lubricant in the Vermeiren rotary bearing in no would have rendered obvious the step of indirectly determining oil viscosity of motor oil **using a parameter**, such as frictional torque, **of an internal combustion engine**, as recited in claims 39 and 45.

The Final Office Action does not contest Applicants' assertion that Vermeiren discloses a direct method, using a viscosity sensor for measuring viscosity, as opposed to an indirect method, as recited in claims 39 and 45. See Final Office Action at p. 8. The Final Office Action alleges, however, that even if the

prior art were to teach a direct method, it also suggests an indirect method to a certain extent because the prior art explicitly states that the viscosity is determined from an indirect method, such as measured power. See Final Office Action at p. 8. Applicants submit that if Vermeiren discloses an indirect method -- which Applicants do not conceded -- it involves using a parameter of a rotary bearing not an internal combustion engine to determine viscosity, as recited in claims 39 and 45. Vermeiren may determine the viscosity of an oil which eventually flows into an internal combustion engine but Vermeiren does not disclose, or even suggest, use of a parameter of an internal combustion engine to determine viscosity of oil flow through the engine. Therefore, not only does Vermeiren use a different parameter to determine oil viscosity, the parameter is a measure of a completely different system, i.e., a rotary bearing sensor versus an internal combustion engine

In view of all of the foregoing, it is respectfully submitted that there is no evidence that the reference relied upon, whether taken alone, combined or modified, would provide the features and benefits of claims 39 and 45. It is therefore respectfully submitted that claims 39 and 45 are allowable for these reasons..

As for claims 33, 36, 40 and 53, which ultimately depend from claim 39 and therefore include all of the limitations of claim 39, it is respectfully submitted that Vermeiren does not render obvious these dependent claims for at least the same reasons given above in support of the patentability of claim 39. *In re Fine, supra* (any dependent claim depending from a non-obvious independent claim is non-obvious).

As for claims 46, 47 and 54, which ultimately depend from claim 45 and therefore include all of the limitations of claim 45, it is respectfully submitted that Vermeiren does not render obvious these dependent claims for at least the same reasons given above in support of the patentability of claim 45. *Id.*

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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Dated: 9/3/03

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